

Message Text

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

IO-10 SY-05 JUSE-00 ORM-01 INSE-00 VO-03 FBIE-00

NEA-10 /090 W

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R 091707Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 2721

INFO USMISSION USBERLIN

AMCONSUL LENINGRAD

AMEMBASSY MOSCOW

AMEMBASSY WARSAW

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14706

E.O. 11652: GDS

TAGS: CGEN, SHUM, US, GW, UR, PL

SUBJECT: ALLEGED NAZI WAR CRIMINALS LIVING IN US

REFS: (A) BONN 14411 (NOTAL);

(B) STATE 205859 (NOTAL)

1. AT FURTHER MEETING WITH FONOFFREP AND REPS OF
FRG JUSTICE MINISTRY, LATTER INDICATED THAT NAMES ON
THE LIST OF 50 SUSPECTS SUBMITTED BY EMBASSY TO FRG
FONOFF WERE ALREADY FAMILIAR TO GERMAN AUTHORITIES
THROUGH THE EFFORTS OF SIMON WIESENTHAL OF VIENNA.
HOWEVER, ONLY A SMALL PART OF THE FRG HAD SO FAR BEEN
COVERED BY THE INVESTIGATIONS. THE LUDWIGSBURG
OFFICE HAS NOW WRITTEN TO ALL PROSECUTING OFFICES
THROUGHOUT THE FRG AND EXPECTS TO RECEIVE INFORMATION
IN APPROXIMATELY THREE WEEKS. THIS SHOULD PERMIT
THE JUSTICE MINISTRY IN ABOUT FOUR WEEKS TO PREPARE
ITS REPLY FOR TRANSMISSION TO THE EMBASSY VIA THE
FOREIGN OFFICE. THESE WERE ESTIMATES AND MATTERS
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MIGHT TAKE SOMEWHAT LONGER.

2. RE PARA 2 REFTTEL (B),FRG AUTHORITIES HAVE REQUESTED INFORMATION; DOCUMENTATION; AND PERMISSION FOR FRG OFFICIALS TO EXAMINE DOCUMENTS AND WITNESSES, TO TAKE THEIR DEPOSITIONS, AND FOR WITNESSES RESIDING IN THE USSR AND POLAND TO TESTIFY IN FRG PROCEEDINGS. SOVIET AND POLISH AUTHORITIES HAVE BEEN HELPFUL TO SOME EXTENT.

3. INFORMATION AND DOCUMENTS HAVE BEEN RECEIVED BUT HAD IN ALL CASES BEEN CAREFULLY SCREENED. IN MANY INSTANCES COPIES OF DOCUMENTS WERE INCOMPLETE OR CLEARLY INDICATED THAT PARTS HAD BEEN BLOCKED OUT. EFFORTS ON THE PART OF FRG AUTHORITIES TO OBTAIN COPIES OF THE ENTIRE DOCUMENTS OR AN EXPLANATION OF THE REASONS WHY PARTS WERE OMITTED AND EXPLANATION OF TYPE OF INFORMATION OMITTED PARTS CONTAINED WERE REJECTED AND UNSUCCESSFUL; THE GENERAL EXPLANATION OFFERED WAS THAT OMISSIONS WERE BASED ON NATIONAL INTEREST. GERMAN OFFICIALS HAVE NOT BEEN ABLE TO DISCERN ANY PATTERN IN THE TYPES OF INFORMATION WITHHELD. THE LAST FRG-USSR DISCUSSION OF THIS MATTER WAS HELD IN 1971. THE INABILITY TO BORROW ORIGINAL DOCUMENTS AND THE FURNISHING OF ONLY PARTIAL COPIES IS CONSIDERED TO HAVE AFFECTED THE CREDIBILITY AND USEFULNESS OF THE INFORMATION THUS OBTAINED.

4. JUSTICE MINISTRY REPS INDICATED THAT FRG AUTHORITIES HAVE ON OCCASION RECEIVED DOCUMENTS NOT COVERED BY ANY FRG REQUEST; THEY DO NOT KNOW WHY SUCH DOCUMENTS HAVE BEEN MADE AVAILABLE SPONTANEOUSLY OR WHY DOCUMENTS PREVIOUSLY REQUESTED AND NOT FURNISHED HAVE BEEN MADE AVAILABLE AT A LATER DATE. THEY SPECULATED THAT PERHAPS DOCUMENTS HELD HAD NOT BEEN FULLY PROCESSED.

5. MINJUSTICE REPS SAID MANY WITNESSES ARE NOW QUITE OLD AND THAT USSR AUTHORITIES HAVE STATED THAT FOR HEALTH REASONS THEY COULD NOT DEPART FROM THE USSR TO TESTIFY IN FRG. MAINLY WITNESSES FROM POLAND RATHER THAN USSR HAVE BEEN PERMITTED TO CONFIDENTIAL

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TESTIFY IN FRG PROCEEDINGS. WHEN DEPOSITIONS HAVE BEEN TAKEN IN USSR USUALLY THE SAME SOVIET PROSECUTING OFFICIAL HAS ASKED THE QUESTIONS, SUPPLEMENTED BY QUESTIONS RAISED BY ATTENDING GERMAN OFFICIALS. WHEN SOVIET OR POLISH WITNESSES HAVE TESTIFIED IN FRG, NO OFFICIAL OF RESPECTIVE GOVERNMENT IS KNOWN TO HAVE BEEN PRESENT. MINJUSTICE REPS SAID THE IMPRESSION GAINED IS THAT SOVIET OFFICIALS AND

WITNESSES APPEAR TO MAKE AN EFFORT TO BE HELPFUL WITH INFORMATION.

6. THE COOPERATION BY SOVIET AND POLISH OFFICIALS MENTIONED ABOVE WAS LIMITED TO ASSISTING GERMAN AUTHORITIES INVESTIGATING NAZI CRIMES AND IS NOT PROVIDED IN OTHER AREAS OF LAW. MINJUSTICE REPS

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STATED THAT THEIR CLOSEST CONTACTS WERE WITH POLISH AUTHORITIES AS MOST NAZI EXTERMINATION CENTERS OUTSIDE GERMANY WERE LOCATED ON POLISH TERRITORY. THE JUSTICE MINISTRY OFFICIALS INDICATED THAT GENERALLY NO REAL DIFFICULTIES WERE ENCOUNTERED IN OBTAINING THE SOVIET AND POLISH COOPERATION DESCRIBED ABOVE.

7. MINJUSTICE REPS COULD THINK OF NO INSTANCE IN WHICH INFORMATION CONTAINED IN DOCUMENTATION RECEIVED OR GIVEN BY SOVIET OR POLISH WITNESSES WAS FRAUDULENT

OR MANIFESTLY INCORRECT WHEN CHECKED WITH OTHER
INFORMATION AVAILABLE TO FRG AUTHORITIES.

8. JUSTICE MINISTRY OFFICIALS SPECULATED THAT
DIFFICULT QUESTIONS OF PROOF MIGHT BE INVOLVED IN
US DENATURALIZATION AND DEPORTATION PROCEEDINGS,
INCLUDING CONFUSION IN NAMES, PLACES, ETC. BY REASON
OF DIFFERENT PHONETIC SPELLING OF NAMES ORIGINALLY
WRITTEN IN CYRILLIC ALPHABET, FAST-MOVING EVENTS
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AND INTERVENING PASSAGE OF TIME THAT HAS AFFECTED
MEMORIES OF POTENTIAL WITNESSES. EMBASSY OFFICER
SUGGESTED THAT IN CONNECTION WITH POSSIBLE DENATUR-
ALIZATION AND DEPORTATION PROCEEDINGS US AUTHORITIES
IN ONE WAY OR ANOTHER MAY WISH TO MAKE USE OF
EXPERTISE DEVELOPED BY GERMAN AUTHORITIES ON AT LEAST
QUESTIONS OF DETAILED HISTORICAL FACT THAT MIGHT
BECOME CRUCIAL DURING US PROCEEDINGS; HE RECEIVED
IMPRESSION THAT JUSTICE MINISTRY WOULD BE WILLING TO
COOPERATE IN THIS REGARD. MENTION WAS MADE OF A
BOILER PLATE HISTORICAL SUMMARY USED BY PROSECUTION
IN CONNECTION WITH ALL FRG CRIMINAL PROCEEDINGS FOR
CRIMES COMMITTED DURING THE NAZI PERIOD WHICH MIGHT
BE MADE AVAILABLE IF US AUTHORITIES SHOULD REQUEST IT.

8. CONCERNING SOVIET AND POLISH COOPERATION, MIN
JUSTICE REPS SAID THAT POSSIBLY US AUTHORITIES
WOULD RECEIVE MORE COOPERATION FROM SOVIET
AND POLISH AUTHORITIES THAN FRG AUTHORITIES HAD
IN PAST BEEN ABLE TO OBTAIN.
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